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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

(San Francisco Division)

IN RE NATIONAL SECURITY AGENCY TELECOMMUNICATIONS RECORDS LITIGATION THIS DOCUMENT RELATES TO: All Class Actions Against the MCI and Verizon Defendants; *Bready, et al. v. Verizon Maryland* (No. 06-06313); *Chulsky, et al. v. Cellco Partnership dba Verizon Wireless* (No. 06-06570); and *Riordan, et al. v. Verizon Communications* (No. 06-3574)	MDL Docket No. 06-1791 (VRW) **STIPULATION AND [PROPOSED] ORDER MODIFYING BRIEFING SCHEDULE AND HEARING DATE FOR VERIZON MOTIONS TO DISMISS** Courtroom: 6, 17th Floor Judge: Hon. Vaughn R. Walker

Dockets.Justia.com

STIPULATION

WHEREAS, by order dated March 22, 2007, the Court granted the Government's opposed motion to extend and set a briefing and hearing schedule on dispositive motions in cases asserting claims against the Verizon defendants. (Dkt. No. 217);

WHEREAS, on April 20, 2007, the United States filed an unclassified memorandum in support of its motion to dismiss or for summary judgment on state secrets grounds (Dkt. Nos. 253-257);

WHEREAS, on April 30, 2007, the Verizon defendants filed amotion to dismiss the Master Consolidated Complaint (Dkt. No. 125); a motion to dismiss the *Chulsky*, *Riordan*, and *Bready* complaints (Dkt. No. 270-271); and a motion to dismiss for lack of personal jurisdiction (Dkt. No. 268-269);

WHEREAS, under the schedule set by the Court in its March 22, 2007 Order, Plaintiffs have until May 24, 2007, to file their oppositions to the foregoing motions;

WHEREAS, Plaintiffs desire additional time to respond to the foregoing motions, which would require an adjustment of the June 21, 2007 hearing date;

WHEREAS the Government and Verizon Defendants previously sought to work cooperatively on a schedule in the Verizon cases and are willing to consent to this requested extension;

WHEREAS, the parties are advised that the Court is not available to hear the foregoing motions at a later date until August 9, 2007, and is not available to hear the foregoing motions on August 23, 2007; and

WHEREAS, counsel for the Verizon defendants and the United States have scheduling conflicts that preclude resetting the hearings for August 9, 2007 or the week of 13-17, 2007;

IT IS HEREBY STIPULATED AND AGREED, SUBJECT TO APPROVAL OF THE COURT, THAT:

(1) Plaintiffs shall have until June 22, 2007 to file their oppositions to the foregoing motions;

(2) The Verizon defendants and the United States shall have until August 3, 2007 to file their reply briefs in support of the foregoing motions;

(3) The foregoing motions will be heard on August 30, 2007;

(4) The United States' administrative motion for leave to file a 58-page redacted opening brief in support of its motion to dismiss (Dkt. No. 258) is granted, *nunc pro tunc*;

(5) The MCI and Verizon class plaintiffs shall have a total of 108 pages for their oppositions to the United States' motion to dismiss and the Verizon defendants' motion to dismiss the Master Consolidated Complaint;

(6) The Verizon defendants shall have 40 pages for their reply in support of their motion to dismiss the Master Consolidated Complaint;

(7) The page limit for the United States' reply in support of its motion to dismiss will be addressed by separate stipulation or, if necessary, motion; and

(8) The length of other briefs shall remain as governed by applicable rules.

Dated: May 22, 2007

Respectfully submitted,

By: *\s\ Barry R. Himmelstein*
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Pursuant to General Order 45, Part X-B, the filer attests that concurrence in the filing of this document has been obtained from Jodi W. Flowers, Ann Brick, John A. Rogovin, Anthony J. Coppolino, Joshua G. Whitaker, and David H. Sternlieb.

PROPOSED ORDER

Pursuant to the foregoing stipulation (1) – (8), IT IS SO ORDERED. The motions that are the subject of the stipulation will be heard on August 30, 2007 at 2:00 p.m.

Dated: May __, 2007

____
Hon. Vaughn R. Walker
United States District Chief Judge